

# **EXHIBIT R**

## **Rider to Speights Firm Subpoena**

**EXHIBIT A**

**INSTRUCTIONS AND DEFINITIONS**

1. The deposition topics and document requests set forth below pertain to the asbestos property damage claims that the Speights & Runyan law firm purported to file behalf of creditors in *In re W.R. Grace & Co. et al.*, Case No. 01-01139 (JKF), pending in the United States Bankruptcy Court for the District of Delaware.
2. Pursuant to Federal Rules of Civil Procedure 26, 30(b)(6), and 45, Speights & Runyan shall designate a person or persons to appear at Ogletree, Deakins, Nash, Smoak & Stewart, P.C., 134 Meeting Street, Suite 160, Charleston, South Carolina 29401, on July 25, 2005, at 9:00 am, to testify on its behalf about what is known or reasonably available regarding each of the deposition topics described below.
3. Pursuant to Federal Rules of Civil Procedure 26, 34, and 45, Speights & Runyan shall produce copies of all documents responsive to each of the requests below at Ogletree, Deakins, Nash, Smoak & Stewart, P.C., 134 Meeting Street, Suite 160, Charleston, South Carolina 29401, on July 15, 2005, at 9:00 am.
4. Speights & Runyan is requested to produce all documents that are in its possession, custody, or control, within the meaning of Rule 34 of the Federal Rules of Civil Procedure.
5. Each document produced shall be identified by the paragraph number corresponding to the document request or portion thereof to which it is responsive, or shall be produced as kept in the usual course of business.
6. If any document or portion of any document covered by these requests is withheld from production, please furnish a list identifying each such document or portion thereof, and providing the following information with respect to each such document or portion: (a) the date

of the document; (b) the identity of each person who wrote, drafted, or assisted in the preparation of the document; (c) the identity of each person who received the original or a copy of the document, regardless of whether or not the person is listed as a "cc" on the document; (d) a brief description of the nature and subject matter of the document; (e) the length of the document; (f) the reason(s) for withholding; (g) a statement of the facts that constitute the basis for any claim of privilege, work product, or other grounds for non-disclosure; and (h) the paragraph number corresponding to the request to which the document is responsive.

7. "Documents" shall mean or refer to all written or graphic matter of every kind or description, however produced or reproduced, whether draft or final, original or reproduction, and all tangible things within the scope of Rule 34(a) of the Federal Rules of Civil Procedure, specifically including but not limited to paper records, electronic records, correspondence, memoranda, contracts, agreements, notes, e-mails, or material similar to the forgoing, however denominated, that is in the possession, custody, or control of Speights & Runyan.

8. "And" and "or" each shall be construed both conjunctively and disjunctively to bring within the scope of the request all responses that might otherwise be construed to be outside its scope; in other words, to give each request its broadest possible meaning.

#### **DEPOSITION TOPICS, FOR JULY 25 DEPOSITION**

1. **Claims Not Listed in the Verified 2019 Statement:** Designate a person or persons to testify on behalf of Speights & Runyan regarding its authority to file each of the 208 claims listed in Exhibit A-1. These claims were submitted over the signature of Speights & Runyan attorney Amanda Steinmeyer but are not identified in Speights & Runyan's 2019 statement.

2. Claims Filed on Behalf of Buildings and Job Sites: Designate a person or persons to testify on behalf of Speights & Runyan regarding its authority to file each of the 358 claims listed in Exhibit A-2. These claims purport to be filed on behalf of buildings and job sites rather than entities having legally cognizable interests in the properties in question.
3. Claims Citing the *Anderson Memorial Complaint*: Designate a person or persons to testify on behalf of Speights & Runyan regarding its authority to file each of the 787 claims listed in Exhibit A-3. As authority to file these claims, Speights & Runyan's 2019 statement cites only the *Anderson Memorial* complaint.
4. Claims Citing the *Anderson Memorial Order*: Designate a person or persons to testify on behalf of Speights & Runyan regarding its authority to file each of the 59 claims listed in Exhibit A-4. As authority to file these claims, Speights & Runyan's 2019 statement cites only the *Anderson Memorial* order.
5. Claims Citing Building Questionnaires: Designate a person or persons to testify on behalf of Speights & Runyan regarding its authority to file each of the 15 claims listed in Exhibit A-5. As authority to file these claims, Speights & Runyan's 2019 statement cites exemplar building questionnaires that do not require signature by the claimant.
6. Claims Citing "E": Designate a person or persons to testify on behalf of Speights & Runyan regarding its authority to file each of the 22 claims listed in Exhibit A-6. As authority to file these claims, Speights & Runyan's 2019 statement cites only the undefined symbol "E."

7. Claims Lacking Claimant Signature: Designate a person or persons to testify on behalf of Speights & Runyan regarding its authority to file each of the 2,938 claims listed in Exhibit A-7. These claims are signed by Speights & Runyan attorneys Daniel Speights or Amanda Steinmeyer rather than the actual claimants.
8. Claims Filed on Behalf of Construction Companies, Supply Stores, or Contractors: Designate a person or persons to testify on behalf of Speights & Runyan regarding its authority to file each of the 31 claims listed in Exhibit A-8. These claims purport to be filed on behalf of construction companies, supply stores, or contractors rather than entities having legally cognizable interests in the properties in question.
9. Claims Citing K-1 to K-10 Exemplar Contracts: Designate a person or persons to testify on behalf of Speights & Runyan regarding its authority to file each of the 1,690 claims listed in Exhibit A-9. As authority to file these claims, Speights & Runyan's 2019 statement cites K-1 to K-10 exemplar contracts rather than actual contracts signed by the claimants.
10. Efforts to Comply with Requests of Debtors: Designate a person or persons to testify on behalf of Speights & Runyan regarding (i) all efforts taken to respond to the February 24, 2005 e-mail from Richard Finke of W.R. Grace & Co. to Daniel Speights of Speights & Runyan, attached as Exhibit A-10, regarding claims not included in Speights & Runyan's 2019 statement; (ii) all efforts taken to respond to the March 7, 2005 e-mail from Richard Finke of W.R. Grace & Co. to Daniel Speights of Speights & Runyan, attached as Exhibit A-11, regarding claims filed on behalf of entities without legally cognizable interests in the property in question; and (iii) all efforts taken to respond to the May 27, 2005 letter

from John Donley of Kirkland & Ellis LLP to Daniel Speights and Amanda Steinmeyer of Speights & Runyan, attached as Exhibit A-12, seeking documentation showing that Speights & Runyan represents the claimants for which it filed claims.

**DOCUMENT REQUESTS, TO BE PRODUCED BY JULY 15.**

1. **Claims Not Listed in the Verified 2019 Statement:** For each claim listed in Exhibit A-1, produce (i) all documents relating to, reflecting, or memorializing in any way Speights & Runyan's authority to file the claim on behalf of the claimant; (ii) all documents reflecting the name, title, address, and telephone number of the person or persons that authorized Speights & Runyan to file the claim on behalf of the claimant; and (iii) all documents reflecting the date that Speights & Runyan received authorization from the claimant to file the claim.
2. **Claims Filed on Behalf of Buildings and Job Sites:** For each claim listed in Exhibit A-2, produce (i) all documents relating to, reflecting, or memorializing in any way Speights & Runyan's authority to file the claim on behalf of the claimant; (ii) all documents reflecting the name, title, address, and telephone number of the person or persons that authorized Speights & Runyan to file the claim on behalf of the claimant; and (iii) all documents reflecting the date that Speights & Runyan received authorization from the claimant to file the claim.
3. **Claims Citing the *Anderson Memorial* Complaint:**
  - (a) For each claim listed in Exhibit A-3, produce (i) all documents relating to, reflecting, or memorializing in any way Speights & Runyan's authority to file the claim on behalf of the claimant; (ii) all documents reflecting the name, title,

address, and telephone number of the person or persons that authorized Speights & Runyan to file the claim on behalf of the claimant; and (iii) all documents reflecting the date that Speights & Runyan received authorization from the claimant to file the claim.

- (b) For each claim listed in Exhibit A-3, produce all documents relating to, reflecting, or memorializing in any way Speights & Runyan's attempts, if any, to notify the claimant that Speights & Runyan was filing a claim on its behalf.

4. Claims Citing the *Anderson Memorial Order*:

- (a) For each claim listed in Exhibit A-4, produce (i) all documents relating to, reflecting, or memorializing in any way Speights & Runyan's authority to file the claim on behalf of the claimant; (ii) all documents reflecting the name, title, address, and telephone number of the person or persons that authorized Speights & Runyan to file the claim on behalf of the claimant; and (iii) all documents reflecting the date that Speights & Runyan received authorization from the claimant to file the claim.
- (b) For each claim listed in Exhibit A-4, produce all documents relating to, reflecting, or memorializing in any way Speights & Runyan's attempts, if any, to notify the claimant that Speights & Runyan was filing a claim on its behalf.

5. Claims Citing Building Questionnaires:

- (a) For each claim listed in Exhibit A-5, produce (i) all documents relating to, reflecting, or memorializing in any way Speights & Runyan's authority to file the

claim on behalf of the claimant; (ii) all documents reflecting the name, title, address, and telephone number of the person or persons that authorized Speights & Runyan to file the claim on behalf of the claimant; and (iii) all documents reflecting the date that Speights & Runyan received authorization from the claimant to file the claim.

- (b) For each claim listed in Exhibit A-5, produce (i) all documents reflecting the name, title, address, and telephone number of the person or persons associated with the claimant that provided Speights & Runyan with the information set forth in the corresponding building questionnaire; and (ii) all documents reflecting the date that such information was provided.
6. Claims Citing "E": For each claim listed in Exhibit A-6, produce (i) all documents relating to, reflecting, or memorializing in any way Speights & Runyan's authority to file the claim on behalf of the claimant; (ii) all documents reflecting the name, title, address, and telephone number of the person or persons that authorized Speights & Runyan to file the claim on behalf of the claimant; and (iii) all documents reflecting the date that Speights & Runyan received authorization from the claimant to file the claim.
7. Claims Lacking Claimant Signature: For each claim listed in Exhibit A-7, produce (i) all documents relating to, reflecting, or memorializing in any way Speights & Runyan's authority to file the claim on behalf of the claimant; (ii) all documents reflecting the name, title, address, and telephone number of the person or persons that authorized Speights & Runyan to file the claim on behalf of the claimant; and (iii) all documents



reflecting the date that Speights & Runyan received authorization from the claimant to file the claim.

8. Claims Filed on Behalf of Construction Companies, Supply Stores, or Contractors: For each claim listed in Exhibit A-8, produce (i) all documents relating to, reflecting, or memorializing in any way Speights & Runyan's authority to file the claim on behalf of the claimant; (ii) all documents reflecting the name, title, address, and telephone number of the person or persons that authorized Speights & Runyan to file the claim on behalf of the claimant; and (iii) all documents reflecting the date that Speights & Runyan received authorization from the claimant to file the claim.

9. Claims Citing K-1 to K-10 Exemplar Contracts:

- (a) For each claim listed in Exhibit A-9, produce the actual contract(s) authorizing Speights & Runyan to represent the claimant.
- (b) For each claim listed in Exhibit A-9, produce (i) all documents relating to, reflecting, or memorializing in any way Speights & Runyan's authority to file the claim on behalf of the claimant; (ii) all documents reflecting the name, title, address, and telephone number of the person or persons that authorized Speights & Runyan to file the claim on behalf of the claimant; (iii) all documents reflecting the date that Speights & Runyan received authorization from the claimant to file the claim.

10. Efforts to Comply with Requests of Debtors:

- (a) Produce all documents reflecting any or all steps taken to respond to the February 24, 2005 e-mail from Richard Finke of W.R. Grace & Co. to Daniel Speights of Speights & Runyan, attached as Exhibit A-10, regarding claims not included in Speights & Runyan's 2019 statement.
- (b) Produce all documents reflecting any or all steps taken to respond to the March 7, 2005 e-mail from Richard Finke of W.R. Grace & Co. to Daniel Speights of Speights & Runyan, attached as Exhibit A-11, regarding claims filed on behalf of entities without legally cognizable interests in the property in question.
- (c) Produce all documents reflecting any or all steps taken to respond to the May 27, 2005 letter from John Donley of Kirkland & Ellis LLP to Daniel Speights and Amanda Steinmeyer of Speights & Runyan, attached as Exhibit A-12, seeking documentation showing that Speights & Runyan represents the claimants for which it filed claims.